Remarks

Claims 51-68 are pending in this application. In an Office Action mailed September 29, 2006, the Examiner rejected claims 51-68 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,292,892 to Davis (Davis). The Examiner rejected claims 51-55 and 62-68 under 35 U.S.C. § 102(e) as being anticipated alternatively by U.S. Patent No. 6,874,084 to Dobner *et al.* (Dobner); by U.S. Patent No. 6,760,711 to Gillet *et al.* (Gillet); by U.S. Patent No. 6,754,661 to Hallin *et al.* (Hallin); by U.S. Patent No. 6,754,678 to Norris *et al.* (Norris); and by U.S. Patent No. 6,868,403 to Wiser *et al.* (Wiser). The Examiner rejected claims 52 and 63 under 35 U.S.C. § 103(a) as being unpatentable over Davis in view of Dobner. Applicants believe the cited art neither teaches nor fairly suggests Applicants' invention.

Independent claim 51 provides a system for secure transmission of data over a public data transmission network. The system includes a requesting computer, a server, and a storage device all connected to the public data transmission network. The requesting computer requests the secure transmission of data. The server encrypts the requested data and transmits the encrypted data through the network. The storage device receives the encrypted data from the network, decrypts the received data, and stores the decrypted data. The server directly contacts the storage device over the network to establish an encrypted data channel between the server and the storage device that excludes the requesting computer.

As best as can be determined from the Examiner's rejections, none of the prior art teaches or fairly suggests a storage device, associated with the requesting computer, that is contacted directly by the server to establish an encrypted data channel that excludes the requesting computer.

The Examiner asserts that claim 51 is anticipated by Davis. Davis discloses a computer system (20) which includes a host processor (22), a hardware agent (23), a memory subsystem (25), and an I/O subsystem (26) interconnected by an internal system bus (21). The I/O subsystem includes an information transceiver device (35) "for transmitting information for the computer system 20 to another device and for receiving information from another device." (Col. 4, ll. 25-27.) The hardware agent is a semiconductor integrated circuit chip which is part of the computer system. The storage system disclosed by Davis is part of the

same computer system which contains the hardware agent. The only way to access this storage system is through the hardware agent computer system.

As described in the Abstract, Davis discloses communicating between two computer systems.

> In one embodiment, a method to provide reliable electronic distribution of information between a first system and a second system remotely located from the first system coupled together by a communication link. The method comprises storing a public key, a private key, and signed key parameters in a semiconductor device associated with the first system. The signed key parameters are output from the semiconductor device to the second system via the communication link. Then, the first system is authenticated by the second system; and the information is transmitted from the second system to the first system, provided the first system is authenticated.

Assuming, for the sake of argument, that one of these systems is Applicants' requesting computer and that the other one of these systems is Applicants' server, there is no teaching or suggestion for Applicants' storage device that is contacted directly over the public network by the server to establish an encrypted data channel that excludes the requesting computer. No configuration disclosed in Davis teaches Applicants' "server [that] directly contacts the storage device over the network to establish an encrypted data channel between the server and the storage device, the encrypted data channel excluding the requesting computer" as provided in claim 51.

The Examiner never identifies what element in Davis he believes corresponds to Applicants' storage device. Instead, the Examiner lumps together the elements of claims 51 which reference Applicants' storage device and provides a shotgun listing of citations without any attempt to tie these quotes to the limitations of claim 51. None of these citations teaches or fairly suggests Applicants' storage device.

The Examiner first cites text which describes Davis' Figures 7 and 8 ("col. 6, lines 2-5, 56-62"). Davis' Figure 7 is "a flowchart of remote verification of a hardware agent." (Col. 5, ll. 55-56.) Davis' Figure 8 is "a flowchart of remote verification of a hardware agent including authentication using a second level certificate." (Col. 6, ll. 40-42.) The first block of both figures is "Establish communication link between hardware agent

system and remote system" (Step 200). In neither flowchart or the supporting text is there any mention of a storage device, let alone Applicants' storage device directly contacted by a server that receives data over an encrypted data channel that excludes the requesting computer.

The Examiner next cites text which describes Davis' Figure 5 (Col. 4, lines 37-65, 58-63"). Figure 5 is a block diagram of the hardware agent, which is within computer system 20. There is no way to access the hardware agent without making connection with, and passing through, computer system 20.

The Examiner next cites text that discusses encryption and decryption generally ("col. 1, lines 34-45; col. 3, lines 37-55"). Once again, there is no mention of a storage device, let alone Applicants' storage device directly contacted by a server that receives data over an encrypted data channel that excludes the requesting computer.

The Examiner's last citation includes the following:

> Although the hardware agent 23 is implemented as a peripheral device on the system bus 21 for greater security, it is contemplated that the hardware agent 23 could be implemented in several other ways at the PC platform level such as, for example, as a disk controller or PCMCIA card to automatically decrypt and/or encrypt information being inputted and outputted from a hard disk.
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> (Col. 4, ln. 66-col. 5, ln. 5.)

Once again, each of these implementations is part of the computer which must form either Applicants' requesting computer or server. None can therefore be Applicants' storage device as claimed.

Davis neither teaches nor fairly suggests Applicants' system of claim 51. Claim 51 is patentable over Davis. Claims 52-61, which depend from claim 51, are therefore also patentable.

Independent claim 62 provides a method for securely transmitting data from a server over a public data transmission network. A request is received from a client for transmission of requested data to a storage device directly connected to the network, the storage device associated with the client. An encrypted communications channel is negotiated with the storage device through the network, the encrypted communications channel excluding

the client. The requested data is encrypted according to the negotiation with the storage device. The encrypted data is sent to the storage device through the network.

The Examiner rejected claim 62 as anticipated by Davis. The Examiner supported this rejection by lumping together all the elements of claim 6 and providing the same shotgun set of citations used to reject claim 51. Without agreeing claim 62 has the same scope as claim 51, claim 62 is patentable over Davis based on the same arguments provided above. Claims 63-68, which depend from claim 62, are therefore also patentable.

The Examiner rejected claims 51-55 and 62-68 as being anticipated by Dobner, Gillet, Hallin, Norris, and Wiser. However, the Examiner made no attempt with any of these references to find any of the elements of Applicants' claimed invention. The Examiner has therefore failed to establish a *prima facie* case of anticipation. The undersigned has briefly looked at each of these references, and cannot find at least one limitation from each of independent claims 51 and 62 in any of the references. If the Examiner believes any of these references anticipates Applicants' invention, as claimed, the Examiner is respectfully invited to send a proper rejection.

Claims 51-68 are pending in this application. Applicants believe these claims meet all substantive requirements for patentability and request that this case be passed to issuance. No fee is believed due by filing this paper. Any fee due may be withdrawn from Deposit Account No. 21-0456.

Respectfully submitted,

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